



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

info@southernshores-nc.gov

www.southernshores-nc.gov

Town of Southern Shores

Council Meeting

October 7, 2008

7:00 PM.-Pitts Center

Minutes

The Southern Shores Town Council met on October 7, 2008 at the Pitts Center.

The following Council Members were present: Mayor Don Smith, Brian McDonald, Jodi Hess, Jim Pfizenmayer and Kevin Stroud. Also present were: Charles Read, Town Manager, Carrie Gordin, Town Clerk and Ben Gallop, Town Attorney.

Mayor Smith called the meeting to order at 7:00 p.m., led the Pledge of Allegiance and announced the Town flags were flown at half mast on Sunday to honor the fallen fire fighters. He held a moment of silence for our troops serving around the world and for all the fallen fire fighters and their families.

APPROVAL OF AGENDA

Council Member Hess moved to approve the agenda as presented. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, Pfizenmayer and Stroud voting aye; no council member voting no or absent.

PUBLIC COMMENT

Mayor Smith opened the public comment section.

Hearing no comments Mayor Smith closed the public comment section.

APPROVAL of MINUTES—September 2, 2008

Council Member McDonald moved to approve September 2, 2008 minutes as presented. Mayor Smith seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, Pfizenmayer and Stroud voting aye; no council member voting no and no council member absent.

CONSENT AGENDA-None

PRESENTATION-FY2007-08 Audit Report

Teresa Osborne, CPA with Dowdy and Osborne, presented the FY 2007-08 Town Audit. She reviewed selective pages of the audit with Council. She stated she previously met with the Town Manager and submitted recommended changes. She stated there was a 99.7 % tax collection rate. She stated auditing statutes for internal controls changed and became effective this year. She recommended that Council adopt a resolution, within six months, stating how internal controls are to be documented to meet the change. She stated the retiree health insurance benefits will be required, by the year 2010, to be an

actuary plan, like the police department. She stated the Town is financially sound and the fund balance shows 99% which is 24% more than the 75% required by resolution.

[Clerk's Note: A copy of the FY2007-08 Audit Report is available at Town Hall].

REPORTS

Quarterly Financial Report (July 2008-September 2008)

Bonnie Swain, Finance Officer, reviewed the report.

Council Member Hess asked what was the expenditure from the 30th Anniversary budget. B. Swain explained the Town purchased "green" shopping bags to start off the "Go Green" project.

Council Member Hess stated she doesn't see anything charged under the career development for the police department. B. Swain explained that would be addressed through a journal entry when applicable.

Council Member McDonald stated it appears in the revenue interest income we have 18% not 25% from last year. B. Swain stated we are close to where we should be and it is not too much of a concern at this time.

Council Member McDonald asked if money has been transferred to the Finistar account. B. Swain stated not at this time. She stated the Town Manager needs to specify what amount should be placed in that account.

[Clerk's Note: A copy of the Quarterly Financial Report (July 2008-September 2008) can be found on Town website].

Planning Board

Nancy Wendt, Vice Chairman, provided the September 15, 2008 meeting recap.

The Planning Board requested Council approve an amendment to their Rules and Regulations. She stated the changes are to clarify the process in selecting a chair and vice chair for the same time for the same term length of one year.

Council Member Hess moved to approve the changes to the Rules and Regulations as presented. Mayor Smith seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, Pfizenmayer and Stroud voting aye; no council member voting no and no council member absent.

The Planning Board appointed Nancy Wendt as chair and Jay Russell as vice-chair each for a one-year term.

Mayor Smith stated he is concerned about the issue of amending the height calculations for structures. He stated this proposal will take away views from properties who have already built.

Nancy Wendt stated that was discussed and additional discussion will be needed to see what the consequences would be if a change is made.

Alvin Rountree stated this discussion has been going on for sometime. He stated the other towns measure their height like the proposal. He stated measuring like we do requires a property owner to rape a lot and build in a hole. He stated loads of dirt go out of here and the truck loads are damaging our streets.

Mayor Smith stated he has gone through this before and if this is changed there will be taller houses and views will be blocked.

Council Member Stroud stated he supports the proposal. He stated his own parents had to remove truck loads of dirt when they built.

Council Member Hess asked how the lot beside the marina was allowed to bring in so much fill. A. Rountree stated he met with CAMA and FEMA representatives and discussion was held regarding this. He stated more information will be forth coming.

[Clerk's Note: A copy of September 15, 2008 Planning Board Report is attached hereto as Exhibit A].

Larry Lawhon, chairman of the Wireless Committee, stated in their report they are requesting Council set a joint meeting with them on November 13, 2008 beginning at 7:00 p.m. in the Pitts Center to have representatives come from the Center for Municipal Solutions (CMS) Municipal Telecommunications Consultants to conduct an educational workshop. Council agreed on the date.

[Clerk's Note: A copy of Wireless Committee Report (October 7, 2008) is attached hereto as Exhibit B].

Southern Shores Volunteer Fire Department-None

Southern Shores Police Department-None

Southern Shores Civic Association-None

Chicahauk Property Owner's Association

Corey Jameson stated he is glad to see the Capital Improvement Plan and the recommendations made for the road repairs. He stated there appears to be some confusion over the Town's parking lot being named Chicahauk as well as the CPOA's parking lot named Chicahauk.

Merrie Smith, Executive Assistant, stated it has always been difficult for people to find the CPOA's parking lot due to the sign not being visible and vegetation surrounding it.

C. Jameson stated he would look into this and reported that the CPOA is working on a mowing contract for their property and he would like to meet with town staff to address any mowing issues.

Canal Dredging Project

The Town Attorney read a memo from John Leidy, Attorney, dated October 3, 2008 giving an update on the canal dredging permit process.

Mayor Smith stated he is concerned that things aren't moving along and he is worried with the change in the judges and with all the holdups the town may lose the grant money.

The Town Attorney stated there is no way to really move things along, it is the way the process works.

He stated he is meeting with representatives from the SSCA and CPOA to discuss some possible spoil sites and to have leases signed. He also stated there is some discussion with The COVE in using the property for a spoil site.

[Clerk's Note: A copy of Canal Dredging Project Report, October 3, 2008 is attached hereto as Exhibit C].

OLD BUSINESS-None

NEW BUSINESS

Dare County Solid Waste Annual Contract

The Town Manager presented the annual Dare County Solid Waste Annual Contract and stated the residential collection rate increased by 2.75% from an hourly rate of \$100.11 to \$102.93 and the commercial rate increased by 4% from an hourly rate of \$82.51 to \$85.79.

Council Member Hess moved to adopt the Dare County Solid Waste Annual Contract as presented. Mayor Smith seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, Pfizenmayer and Stroud voting aye; no council member voting no and no council member absent.

Planning Board Appointment (Alternate)

The Town Manager stated recently the Planning Board had some changes to its membership which has left a vacancy in alternates. Staff has submitted two resumes from interested residents Larry Lawhon and Bill Gleason for the position. Staff requests Council appoint one alternate to fill the vacancy of Robert Palombo who moved to a full-time member.

Mayor Smith moved to nominate Bill Gleason to fill the position. Council Member Pfizenmayer seconded.

Council Member Hess stated it is a difficult choice that both are good candidates. She also said in accordance to the Town Code Council needs to approve the appointments earlier recognized in the Planning Board report for the chair or vice chair positions as well as Bob Palombo moving from alternate status to full member status. She asked if the motion should be amended to include these appointments or to do a separate motion.

Mayor Smith stated he would move to amend the motion to include approval of all the appointments as presented. Council Member Hess seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, Pfizenmayer and Stroud voting aye; no council member voting no and no council member absent.

Kingfisher Trail Road Improvement

The Town Manager stated during the Capital Improvement Plan (CIP) Report Joe Anlauf, Town Engineer, noted as part of the report, the recommendation that Council considers allocating funds for some experimental treatments to certain roads. Kingfisher Court (with a cost estimated at \$13,000) was a selected area by the CIP committee to have some work done. It was recommended to do a product test of an asphalt rejuvenation application on that area with results to be evaluated over the next year or two. He requests Council approve the needed funds and direct staff to proceed with the necessary steps for construction. Council agreed to discuss this further at the CIP meeting on Friday, October 10th.

Council Member Hess stated in looking at the road improvement map she suggested that it would make more sense to complete a section than to leave one road for several years and then go back to it. She stated that according to the map Soundview Trail is not scheduled for any work but it is recommended to do the work on Kingfisher Court. She would like to see all the work done in an area at once. She stated it should be looked into to see if the contractor is still interested in doing part of Kingfisher for free as addressed by Joe Anlauf during the CIP report.

Council Member Pfizenmayer stated Kingfisher was selected because it was a short street and it was going to be a test for a certain product but he doesn't see why Soundview couldn't be done also.

Council Member McDonald requested the Town Manager see if costs could be made available at the October 10th meeting for Soundview Trail.

OTHER ITEMS

Town Manager

The Town Manager asked Council to set a date for a second Capital Improvement Plan meeting to further discuss implementation of projects as recommended in the CIP.

Mayor Smith stated he would hope some decisions at the October 10th meeting and additional meeting would not be needed.

Following discussion Council decided to discuss further at the October 10th meeting to set a second meeting and or to hold the Council Workshop on October 28.

Town Attorney

The Town Attorney prepared a draft resolution for Council's consideration at the next Council meeting (November 5) on authorizing the manager to approve certain contracts without Council action.

Mayor-None

Council

Council Member Stroud reported the media at E. Dogwood Trail needs to be trimmed and he asked if the landscaping could be changed. The Town Manager stated Public Works is already looking into this.

Council Member Pfizenmayer requested the Town ask for volunteers for the 30th Anniversary event. He also requested there be follow-up on the Southern Shores Civic Association proposal to use their property for spoil sites.

Merrie Smith, Executive Assistant, stated five volunteers have signed up for the planning of the Town's anniversary but there is no one who has volunteered for chairman at this time.

Council Member Hess stated reading in the NC League newsletter addressing how the state is proposing to finance road repairs Council should watch this process carefully.

PUBLIC COMMENT-None

COUNCIL COMMENT-None

CLOSED SESSION

Mayor Smith moved to go into closed session in accordance to NCGS. 143-318.11 (a) (3) to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the public body.

Mayor Smith moved to go into open session at 9:30 p.m. Council Member McDonald seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, Pfizenmayer and Stroud voting aye; no council member voting no and no council member absent.

Council Member Pfizenmayer moved to direct the Town Attorney to prepare a tentative contract with the Southern Shores Volunteer Fire Department. Council Member McDonald seconded.

The motion passed with Mayor Smith, Council Members Hess, McDonald, Pfizenmayer and Stroud voting aye; no council member voting no and no council member absent.

The Town Manager stated that upon meeting with Fire Chief Harvey they agreed they would not be providing a Memorandum of Understanding to the Fire Service Advisory Board.

Hearing no other business Mayor Smith moved to adjourn the meeting at 9:35 p.m. Council Member Pfizenmayer seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, Pfizenmayer and Stroud voting aye; no council member voting no and council member absent.

ATTEST:


Don Smith, Mayor

The seal is circular with a double-lined border. The outer ring contains the text "TOWN OF SOUTHERN SHORES" at the top and "N. C." at the bottom, separated by two stars. The inner circle contains the word "SEAL" in the center.

Respectfully submitted:


Carrie Gordin, Town Clerk

To: Southern Shores Town Council

Copy: Town Manager and Town Staff (David Cowan, Pat Forrester, Carrie Gordon, Charles Read, Alvin Roundtree, Merrie Smith)

From: Nancy Wendt, Planning Board Chair

Date: October 2, 2008

Re: Recap, Planning Board Meeting of September 15, 2008

RECOMMENDED ACTIONS FOR THE TOWN COUNCIL:

1. **APPROVE the Planning Board's recommended amendments** (see attached DRAFT) to the Town of Southern Shores Rules of Procedure for the Planning Board to:
 - a. Provide for the annual election of a Chairman and a Vice Chairman at the Planning Board's regular monthly meeting in June each year.
 - b. Stipulate that the terms of office for the Planning Board Chairman and Vice Chairman shall be one year to run from July 1 to June 30 of the following year.
 - c. Stipulate that in the event a Chairperson or Vice Chairperson does not complete their term of office, a replacement will be elected at the next regular meeting to serve the remainder of the former officer's term.
 2. **APPROVE the Wireless Committee's recommendation** to invite The Center for Municipal Solutions to conduct a moderated workshop on cellular communications for the Town Council, the Planning Board, Town Staff and all interested citizens and property owners between now and November 30, 2008. (See attached Wireless Report)
-

MEETING RECAP

- I. **CALL TO ORDER:** Vice Chairperson Wendt called the meeting to order at 7:00pm. Planning Board Members Nancy Wendt, Jay Russell, Mike Florez, Bob Palombo, Alternate Sam Williams, and ETJ Representative Ed Overton were present. Member Dave Peckens was absent with excuse. Also in attendance were Executive Assistant Merrie Smith and Code Enforcement staff members Alvin Roundtree, David Cowan and Pat Forrester.
- II. **APPROVAL OF AGENDA:** Agenda was approved with an amendment to move the election of a Chairperson up to the first item of business after Public Comments.
- III. **APPROVAL OF MINUTES:** The July 21, 2008 minutes were approved with corrections.
- IV. **PUBLIC COMMENT:** There was no public comment.
- V. **ELECTION OF CHAIRPERSON:** Vice Chairperson Wendt provided each board member with copies of the Rules of Procedure for the Planning Board and the sections of the Town Ordinance that address the establishment, charter and duties of the Planning Board. She observed that the Rules of Procedure provide guidance for the election of a Vice Chairperson, but not a Chairperson. She also observed that the term

of office for both positions is inconsistent across the various documents that address the workings of the Planning Board. Vice Chairperson Wendt motioned that the Planning Board:

1. Recommend that the Town Council amend the Rules of Procedure to make recent practice the rule by stipulating that both the Chairperson and Vice Chairperson be elected for one year terms at the regular meeting in June each year. One year terms would run from July 1 to June 30 of the following year.
2. Elect a new Chairperson to serve the remainder of the term vacated by George Kowalski.

This motion was seconded by Jay Russell. The motion passed unanimously.

Jay Russell nominated Nancy Wendt for the office of Chairperson. The nomination was seconded by Sam Williams. There were no other nominations. The nomination carried unanimously.

Nancy Wendt nominated Jay Russell for the office of Vice Chairperson. The nomination was seconded by Bob Palombo. There were no other nominations. The nomination carried unanimously.

VI. COMMITTEES: STATUS AND REPORTS

1. ACTIVE Hazard Mitigation Plan Committee (PB Members Florez & Palombo)
Pat Forrester, Code Enforcement Officer, reported that the Hazard Mitigation Progress Report has been submitted to the Town Council and the State of NC. Ms. Forrester advised that consistent with recent guidance from the State regarding overuse of elevation certificates, Southern Shores will no longer require an elevation certificate unless a structure is located within a flood zone according to the new FEMA flood zone boundaries. No action is required of the Planning Board regarding this policy change.

2. ACTIVE Land Use Plan/ Steering Committee: (PB Members Florez & Williams)
Merrie Smith, Executive Assistant, reported that Earthtech has completed the revisions requested by the Steering Committee and the Town has submitted the final DRAFT of the 2008/09 CAMA LUP to Charlan Owens, District Planner, Division of Coastal Management (DCM), NC Department of Environmental and Natural Resources (DENR) for review.

Next steps and an approximate time line for completing this CAMA LUP Update are as follows:

- NC DCM / DENR will return the DRAFT Plan together with their comments for Town Council review and approval. (By March 2009)
- Following Town Council approval, a public hearing will be scheduled. The Council may request additional changes to the plan following the hearing. (Date To Be Determined TBD)
- The Town Council's approved Plan will be submitted to NC Coastal Resources Commission (CRC) for certification. (Date TBD)
- The certified Plan will replace the current 1997 CAMA LUP as the official "Comprehensive Plan" for Southern Shores. (Date TBD)

- The Planning Board will review the certified Land Use Plan and determine what if any amendments need to be made to the zoning map and/or zoning ordinance in order to implement the new plan. (Date TBD)

3. ACTIVE Wireless Committee: (PB Members Peckens & Wendt)

Larry Lawhon, Wireless Committee Chair, reported that further investigation over the past month has highlighted the need for more discussion and discovery of Southern Shores needs and limitations before possible expenditure of funds on an independent signal strength survey.

The committee proposes inviting The Center for Municipal Solutions to conduct a moderated workshop on this subject for the Town Council, the Planning Board, Town Staff and all interested citizens and property owners on a week night before November 30, 2008.

This recommended action moves up the "citizen forum" listed in the Wireless Committee's Statement-of-Work in order to engage the community in weighing next steps and guiding the creation of any Zoning amendments that would permit additional wireless infrastructure within Southern Shores.

Nancy Wendt made a motion to accept the Wireless Committee's suggestion to hold a moderated workshop and to pass this suggestion to the Town Council with a recommendation for approval. The motion was seconded by Sam Williams. The motion passed unanimously. Larry Lawhon will present the committee's suggestion to the Town Council on October 7, 2008.

4. INACTIVE Roads/Streets Committee: (PB Member Peckens)

The Roads Committee's recommendations were presented to and accepted by the Town Council in August. Implementation of the recommendations begins with the Committee's input to the proposed Capital Improvement Plan (CIP) to be presented to the Town Council September 23, 2008.

5. INACTIVE Stormwater Management Committee: (PB Member Russell)

Jay Russell reminded the Board that Phase II rules go into effect October 1, 2008. He will be attending a special meeting on September 19, 2008 to learn more about the details of these new stormwater management regulations and will brief the Planning Board regarding this legislation at the October meeting.

VII. APPLICATIONS:

ACTIVE APPLICATION THE COVE. Alvin Roundtree reported that his office is documenting all actions relative to this permit application. To date there has been no change in land ownership and the applicant is still waiting for the Division of Water Quality's (DWQ's) final decision. There is no estimated start date for construction. Mike Florez asked about the financial impact for the Town and Alvin Roundtree explained the potential for additional tax revenues once The Cove is completed and the units are sold. The Code Enforcement office will provide the Planning Board with a time line to track this permit application.

ACTIVE APPLICATION Kitty Hawk Elementary School (KHES). Alvin Rountree talked to Jim Winebarger of Dare County Schools and Mr. Winebarger will try to get the

application and site plan submitted by Friday in order to be on the October Planning Board meeting agenda.

VIII. OTHER BUSINESS

1. Old Business:

None

2. New Business:

Code Enforcement Staff Recommendations – Pat Forrester, David Cowan and Alvin Roundtree brought the following zoning ordinance items to the attention of the Planning Board.

Elevation Certificate Policy. In the past Southern Shores required an “as built” elevation certificate on all new construction and substantial improvements. Consistent with recent guidance from the State, as of September 2, 2008 Southern Shores is no longer requiring an elevation certificate unless a primary structure is constructed within a Special Flood Hazard area according to the most recent FEMA flood zone boundaries. Since this item required urgent action and did not involve any zoning changes, Code Enforcement staff took it directly to the Town Council. No action is required of the Planning Board regarding this policy change.

Height Calculations. Currently the zoning ordinance stipulates that the maximum dwelling unit height of 35’ must be measured from the lowest corner of the primary structure. This procedure encourages developers to remove vegetation and level building lots in order to make their plans work on uneven lots. This procedure confuses some developers because it differs from the standard practice in most other municipalities to calculate height based on an average of all four corners. Staff recommends changing the definition in the zoning ordinance from lowest corner to an average of all four corners. Nancy Wendt motioned to accept Staff’s recommendation and to ask Staff to DRAFT a Zoning Text Amendment to accomplish this change without encouraging any increase in the total bulk of dwelling units. The motion was seconded by Sam Williams. The motion passed unanimously.

Side Yard Setbacks. When the zoning ordinance was amended in 2000 to require side yard setbacks of 15’ instead of the original setbacks of 10’ the objective was to discourage oversized dwelling units. This change had two key unintended consequences: it made over 60% of existing dwelling units non-conforming and it caused problems for property owners who wished to make additions/renovations to their principle structure. Staff recommends “Grandfathering” the original 10’ setback for existing principle structures that were in compliance when they were built. “Grandfathering” will not apply to any other structures. Jay Russell motioned to accept Staff’s recommendation and to ask Staff to DRAFT a Zoning Text Amendment to accomplish this change without encouraging larger/oversized additions. The motion was seconded by Nancy Wendt. The motion passed unanimously.

3. Other Items:

a. Planning Board Member Items:

None

b. Chairperson Items:

None

c. Code Enforcement Staff Items:

None

Website information for Board Members. Merrie Smith reported that the website page for planning board has been updated to reflect current members and titles. She asked if planning board members want to have their emails/phone numbers listed on the website. It was agreed to list email addresses only. Members agreed to review the website and provide Merrie with their comments and suggestions.

IX. ANNOUNCEMENTS:

Next regular meeting: Monday, October 20, 2008 7:00pm, in the Pitts Center.

X. ADJOURNMENT:

Upon motion, the Planning Board meeting adjourned.

Exhibit B

Wireless Committee Report October 7th, 2008

Further investigation has highlighted the need for more discussion and discovery of our needs and limitations before possible expenditure of funds on an independent signal strength survey.

Recommendation:

We have invited The Center for Municipal Solutions to conduct an educational workshop at the Pitts Center at 7:00 p.m. on Thursday, November 13th, 2008. A brief description of CMS and their services are attached along with the resumes of the individuals that will participate. The workshop will be separate from any regularly scheduled Planning Board of Town Council meeting and structured as a workshop with a moderator, time for a brief presentation and a period for questions and answers.

The Center for Municipal Solutions web site can be found at: www.telecomsol.com

Audience:

The citizens of Southern Shores, town staff, members of the Town Council and the Planning Board are invited to participate in this workshop. Space permitting, consideration should be given to inviting representatives from other municipalities in the area since the wireless issues are much broader the boundaries of Southern Shores.

Anticipated outcome:

We should come away with a broader understanding of the wireless industry as well as an appreciation for the wishes of the citizens with regard to the services that they want and what (if any) changes to the current zoning ordinance they might be willing to support in order to achieve the desired wireless service level(s).

There is no out of pocket cost to the town for this workshop. Attached is a draft agenda for your consideration.

The Planning Board unanimously supports this workshop. The question before the Town Council is: do you approve the Wireless Committee proceeding with this workshop?

Workshop Agenda

Introductions and ground rules for Q&A

Opening presentation by The Center for Municipal Solutions

- What's coming
- Why
- When
- Effects

What's in store for the residence of Southern Shores and surrounding communities

What's needed in preparation for the future in terms of services desired versus infrastructure

- Current zoning laws
- Current service levels and limitations

Q&A

(Leading questions to be prepared over the next few weeks taking into consideration inputs from, Citizens, Town Council, Planning Board members and Town staff.)

Written questions from the audience screened and presented by the moderator

The Center for Municipal Solutions (CMS) Municipal Telecommunication Consultants (Comi Telecommunications Services and Monroe Telecom Associates)

Who is CMS and What Do We Do?

We are The Center for Municipal Solutions. We team with, represent and assist local governments in their efforts to regulate communication towers and wireless facilities. CMS is the oldest, most experienced & largest public sector organization of our kind in the nation, representing several hundred communities in 28 states and have reviewed more than 2,000 applications and have never had a recommendation successfully challenged in more than a decade.

We enable communities, often for the first time, to make informed decisions based on all their options and rights. We focus on striking a balance between the needs of the community and those of the carrier creating win-win situations. This helps protect the nature and character of communities by enabling the community to require the facility to have the least visual impact from towers and wireless facilities.

We review wireless applications and make written recommendations as regards what should be approved or not approved and why it should or should not be approved and attend all meetings and hearings.

To open opportunities for new and increased non-tax revenue, we can also help local officials actually require the use of County or City owned property. We can also shorten the time factor to get cellular service up and providing service.

We will provide, and if desired will administer, our model ordinance and customize it for each community as well as give a written report and recommendations. This ordinance is generally considered to be the preeminent one of its kind in the nation and has been used by more than 2,000 communities in one form or another.

We also provide expert witness services for litigation at the federal or state level, though neither our model ordinance nor our work product has ever been successfully challenged. As importantly as anything, we also ensure that the multiple safety standards are met and that towers and wireless facilities are actually built as designed and permitted.

We provide all these services at NO COST to the Community.

Lawrence (Rusty) Monroe

Mr. Monroe has 27 years experience in the cable and telecommunications field, 10 of which were as corporate vice president of Cablevision Industries, Inc., one of the nation's largest cable companies before being sold to Time Warner for almost \$3 billion. In 1986 he decided to take his inside knowledge of the industry, its real agenda and how it really works, to the public sector side of the table to "level the playing field". He has spent the intervening years placing municipalities in control and assisting, advising and representing them in telecommunications related matters. Prior to deciding to dedicate his career to representing the public sector and "equalizing" the situation or "leveling the playing field" for local officials, Mr. Monroe was largely responsible for taking the company from a 20,000 subscriber company located in the Catskill Mountains of New York to one of nation's largest privately owned cable companies. He was particularly well known when in the industry for assuring that control of situations was vested in the Company's hands, including placing towers where he wanted them at whatever height he deemed appropriate. He now makes sure that same control is vested in the hands of client communities who must deal with the industry's experts. Having started in the industry in its early days (1975), he is generally credited with having largely "written the book" on how the telecommunications industry controls situations with local officials, including where to place towers and how tall they will be. He uses this industry knowledge and experience to accomplish things for municipalities that most people have said couldn't be done . . . until he and his team of professionals did them . . . especially placing clients in control and utilizing that control to achieve their goals. Mr. Monroe has been widely published in both state and national publications, is regularly called upon as a lecturer to national, regional and state municipal and other public sector organizations, and is used as a primary source for national periodicals such as Forbes and the Wall Street Journal, as well as a lecturer for Continuing Legal Education seminars.

Jackie Hicks

Ms. Hicks is the Mid-Atlantic Regional Director for CMS and has immediate responsibility for all projects in Maryland, Virginia, North Carolina and currently South Carolina and Florida. She has been responsible for the review and permitting of more than one hundred fifty (150) applications for towers and wireless facilities. Ms. Hicks was the first member of the team to be "custom-trained" by CMS's owners and came up through the ranks, having proven to be invaluable, both to clients and CMS. She is well-known and is particularly valued for her ability to demystify for clients the numerous technical issues involved in the siting and construction of towers and wireless facilities. Ms. Hicks deals directly with all clients in the Mid-Atlantic Region and simplifies the entire matter for client staff, allowing them to devote all but a minimal amount of their limited time to other matters of importance. Her record of being able to work out co-locations on existing structures as opposed to the construction of new towers is better than 9:1, i.e. 90%. Her understanding of the difference between a carrier's technical need, as opposed to its desires in the context of gaining a competitive advantage, is largely what enables clients to be in control at all times. Notably, she has also contributed significantly to redrafting CMS's Model Ordinance to make it up-to-date as regards the technology and the law and more "user-friendly" in the context of being more easily understood by the industry's site acquisition people and more easily interpreted and enforceable by clients. This is key to the success of CMS satisfying clients' needs and desires. In short, she helped make the best even better.

Exhibit C

MEMORANDUM

TO: Charles B. Read, Jr., Town Manager

FROM: John D. Leidy

DATE: November 6, 2008

RE: August Status Report – Canal Dredging Project

- The Office of Administrative Hearings has scheduled both the CAMA and the DWQ cases to be heard during the week of September 15, 2008.
- The scheduling of a multi party settlement conference has been discussed with Senator Basnight's office. To date, no agreement has been reached with regard to dates or format.
- The Department of Environment and Natural Resources advised us that they will not honor their agreement to allow litigation and other appeal expenses to be paid from the grant funds. We are in negotiations with them to rectify this change in their position.

To Be Done In August

- We will receive the respondents' responses to our discovery.
- A mediated settlement conference will probably be conducted by the end of the month. It remains to be seen whether the settlement conference will take the form of multi party talks with various agencies or a standard mediated settlement conference where the Town will negotiate directly with each of the two respondent agencies.